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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,704	04/15/2004	Steven R. Fischl	IS01549ESG	6756
20280	7590	05/10/2006	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			FANTU, YALKEW	
			ART UNIT	PAPER NUMBER
			2838	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,704

Applicant(s)

FISCHL, STEVEN R.

Examiner

Yalkew Fantu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

The claimed invention is directed to non-statutory subject matter.

Claims 11-24 are rejected under 35 U.S.C. 101 because they are not from a single statutory class. See MPEP 2173.05(P).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 11-24 are rejected under 35 U.S.C. 112, second paragraph, as being "A single claim which claims both an apparatus and the method steps of using the apparatus is identified under U.S.C.112, second paragraph". See MPEP § 2173.05 (P).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 10, 11, 13, 24, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Misawa (US 6,434,337).
2. With respect to claim 1, Misawa discloses a portable electronic device (Fig. 1), comprising: a display (Fig. 3, 9), and a power source (Fig. 3, 42 and 43); wherein the portable electronic device presents safety information (Col. 2, lines 1-5) pertaining to the power source (Fig. 3, 42 and 43) on the display (Fig. 3, 9).

3. Regarding claims 2 and 13, Misawa discloses the safety information (Col. 2, lines 1-5) is presented on the display (Fig. 3, 9) when the device is turned on (Fig. 11; Col. 2, lines 55-56).
4. With respect to claims 10 and 24, the power source (Fig. 3, 42 and 43) comprises a rechargeable battery (Fig. 3, 42).
5. With respect to claims 11 and 25, Misawa discloses an electronic device (Fig. 1), comprising: a microprocessor (Fig. 3, 20), a memory coupled to the microprocessor (Fig. 3, 20), the memory having disposed therein software executable by the microprocessor (Fig. 8 and 9); and a display (Fig. 3, 9); wherein the software includes a plurality of steps (Fig. 8 or 9 or 10), the steps comprising: detecting the presence of a power source (Col. 2 lines 24-28); and presenting information about the power source on the display (Fig. 11)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3- 9, 12, 14-17, 20, 21, 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) in view of Kabe (US 6,397,089) and Goto (US 6,850,781).

7. With respect to claims 3 and 26, 4, 7, 8, 14 and 28, 15 and 21, Misawa discloses the invention of claims 1, 2, 10, 11, 13, 24 and 25 as set forth above, however does not disclose that the device is capable of detecting whether the power source has been decoupled since the device was turned off or the device is turned on

8. Kabe discloses that the device is capable of detecting (Fig. 1, 14) power source that has been decoupled since the device is turned off (Col. 3, lines 65-67) or when the device is turned on (col. 4, lines 5-8). When the inputted information comprises rejection (Col. 6, lines 20-23) the safety information, the device turns off (Col. 25-32).

9. Misawa and Kabe are analogous art because they are from the same field of endeavor namely portable electronic device.

10. At the time of the invention, it would have been obvious to a person of ordinary skill in the art, to have added power detection unit in view of the teachings of Kabe in order to detect power source that has been decoupled during the time the device is turned off.

11. The suggestion for doing so would have been obvious in view of the teachings of Kabe in col. 4, lines 29-40, col. 6, lines 20-33).

12. With respect to claims 5, 6, 12 and 20, Goto discloses a display of the safety information (Col. 1, 45-47) visible on the display until user inputs information into the device (Col. 2, lines 47-50), and inputted information selected (Col. 1, lines 49-50) from the group and it would have been obvious to a person of ordinary skill in the art, to have selected the safety information as an acceptance or a rejection of the safety information as per the user choice. Providing an information display method having a superior

information notification function would have included these functionalities in view of the teachings of Goto (Col. 2, lines 22-25).

13. Misawa and Goto are analogous art because they are from the same field of endeavor; warning device and information display method. The motivation for doing so would have been obvious in view of the teachings of Goto col. 2, lines 22-26 that by adding safety information and a method of display to the electronic apparatus in order to display inputted safety information that could be selected from the selection group as per the users will.

14. Regarding claims 9 and 27, 16, 17 and 29, Goto discloses when the power source (Fig. 1, 200) is identified, safety information of a first type (Col. 2, 28-30) is presented on the display, safety information of a second type is presented on a display (Col. 2, lines 30-38).

15. Claims 18, 19, 22, 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misawa (US 6,434,337) in view of Rodriguez (US 2003/0139150) and Han (US 2001/0017532).

16. With respect to claims 18 and 30, Misawa discloses a portable electronic device, but does not comprise polling a third party. Han however discloses polling a third party for additional information message (Page 3, paragraph 0032).

17. Misawa and Han are analogous art because they are from the same field of endeavor, namely multifunction electronic apparatus. The motivation for doing so would have been obvious in view of the teachings of Han in Page 3, paragraph 0032 that by

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providing polling means to an electronic apparatus one could operate data transmission with various devices in addition to the function the electronic apparatus is in.

18. Regarding claim 19, Rodriguez et al. discloses additional information messages from the group consisting of government safety information (Page 1, paragraph 0005).

19. With respect to claims 22 and 23, Rodriguez et al. discloses steps comprising scrolling information across the display (Page 5, paragraph 0060), and device selected from the group consisting of telephones, pagers, two-way radios, computers, PDAs and MP3 players (Page 2 paragraph 0017).

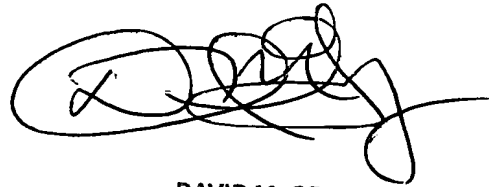
20. Misawa, Han and Rodriguez et al. are analogous art because they are from the same field of endeavor, namely portable electronic device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yalkew Fantu whose telephone number is 571-272-8928. The examiner can normally be reached on (M-F);(8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David M. Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. Gray', with a large, stylized loop at the end.

DAVID M. GRAY
PRIMARY EXAMINER